

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

BERNADETTE CUNNINGHAM and )  
ROSALIND JOHNSON, Individually and )  
as Administratrix of the Estate of )  
NEKEYA MAGSBY, Deceased, )

Plaintiffs, )

VS. )

No. 04-1144-T/An

MICHELIN NORTH AMERICA, INC., )  
and MICHELIN AMERICAN )  
RESEARCH & DEVELOPMENT )  
CORPORATION, )

Defendants. )

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ORDER DENYING REQUEST FOR HEARING ON MOTIONS

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On June 21, 2005, the Court Clerk's office received a letter from T. Michael Lee, counsel for the plaintiffs. The letter notes that plaintiffs have motions pending in this case and requests that a hearing be set at the Court's earliest convenience.

Local Rule 7.2(c) provides that if a hearing is desired on a motion:

counsel shall request the hearing in the motion or response. If the court determines that a hearing would be helpful or necessary, the court will set the date and time of the hearing and the clerk will notify all counsel.

Thus, the Clerk may set a hearing only at the direction of the Court,<sup>1</sup> not merely upon the

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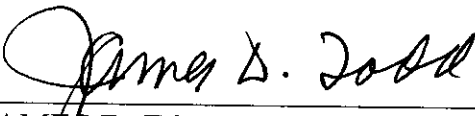

<sup>1</sup> Regardless of the type of action desired from the Court, whether a hearing or something more, it should be requested in an actual court document, not merely a letter.

request of counsel.

In any event, plaintiffs' pending motions in this case are a motion to compel discovery and a motion to continue which includes a request to extend the various pretrial deadlines.<sup>2</sup> These are motions that will be decided by the Magistrate Judge; therefore, it is within his discretion whether to set a hearing on those motions.

The plaintiffs' informal request for a hearing is DENIED. Any further request for hearing on these particular motions should be made to the Magistrate Judge.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
\_\_\_\_\_  
DATE

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<sup>2</sup> A supplemental motion to continue was also recently filed.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 57 in case 1:04-CV-01144 was distributed by fax, mail, or direct printing on June 24, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT